THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24710 of 1997

Dated: 21.03.2007

Between:

D. Viswanath & others.

... Petitioners

AND

The Commissioner & Director of Intermediate Education, A.P., Hyderabad &d others.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24710 of 1997

ORDER:-

This writ petition is filed by the petitioners seeking a writ of Mandamus declaring the action of the respondents in not considering their claim for being posted as Attenders in the Government Junior College for Girls, Punganoor as arbitrary and violative of Articles 14 and 16 of the Constitution of India.

In the affidavit filed in support of the writ petition, the petitioners claim that the 1st petitioner was appointed as Lab Attender, Sericulture (Vocational), Punganoor on part time basis on 19.10.1992; the 2nd petitioner was appointed as part time Attender on 01.09.1993 in Nursing Course (vocational) and the 3rd petitioner was also appointed as part time Attender in the year 1993. It is alleged that the Government issued G.O.Ms.No.189 dated 02.09.1996 granting permission to start new Junior College for Girls at Punganoor from the academic year 1997-98 and Commissioner and Director of Intermediate Education also issued proceedings dated 14.07.1997 to the similar effect. The Regional Joint Director requested the College to fill up the requisite posts at the earliest possible. It is averred that as there are sanctioned posts of part time Attenders in the newly sanctioned Junior College, the petitioners made a representation to the Principal and Regional Joint Director to post them in the newly sanctioned

Junior Colleges. But, without accepting the said request, proceedings were issued on 08.07.1997 posting the petitioners as part time Attenders in the existing vacancies without any additional remuneration. It is also stated that Secretary, Committee of Government Junior College for Girls, Punganoor, requested the Regional Joint Director to shift the part time Attenders working in the Government Junior College for Boys to the Government Junior College for Girls at Punganoor; that the Regional Joint Director vide his proceedings dated 23.08.1997 rejected the said proposal on the ground that the posts sanctioned for Government Junior College for Girls, Punganoor will be filled up as per the rules.

Heard the learned counsel for the petitioner.

Neither the learned Government Pleader appeared for the respondent nor any counter has been filed on their behalf.

From the averments contained in the affidavit, it is clear that the petitioners, who are posted as part time Attenders in the Government Junior College for Boys, are seeking to be appointed against the regular vacancies sanctioned for Government Junior College for Girls. The petitioners failed to show any rule or regulation in support of this claim.

For the mere reason that the petitioners are working temporarily as part time attenders, they cannot claim any right for being considered them against regular vacancies, that too the vacancies which arose in a different institution viz., Government Junior College for Girls. If the petitioners possess the required qualifications, it is open to them to apply as and when the posts are notified, and compete with other qualified persons, who may also apply for the post. In the absence of any rule under which the

petitioners are entitled to be considered against the regular vacancies, their plea for being considered against the said regular posts on permanent basis in Government Junior College for Girls, Punganoor, cannot be accepted.

For the aforementioned reasons, the writ petition is devoid of merits and hence the same is dismissed. No costs.

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C.V. NAGARJUNA REDDY, J

Date: 21.03.2007
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